



NOTICE OF RULE MAKING – Pre-proposal #10-29

The Washington State Liquor Control Board would like your input on the attached proposed rule on **"Split Cases"**.

This notice contains a summary of changes being proposed as well as the actual text of the proposed rule. You can provide input by submitting written comments or by participating in the public hearing (see below).

This rule making is filed with the Office of the Code Reviser in the Washington State Register number # 10-21-038.

Why is rule making necessary?

The Washington Beer and Wine Wholesalers Association (WBWWA) requested the board initiate rulemaking to allow a "broken case charge" on any wine sold to a retailer in amounts under a full case.

The Liquor Control Board encourages you to give input on the rule for **"Split Cases"**. The agency will hold at least one public hearing before the rule is adopted.

This notice can be found at <http://www.liq.wa.gov/laws.asp> under Proposed Rules.

Public Comment

You may attend the public hearing listed below, or forward your comments to the Liquor Control Board by mail, e-mail, or fax by December 1, 2010.

By mail:	Rules Coordinator Liquor Control Board P.O. Box 43080 Olympia, WA 98504-3080	By e-mail:	rules@liq.wa.gov	By fax:	360-664-9689
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Public Hearing:	December 1, 2010 10:00 a.m. Washington State Liquor Control Board – Board Room 3000 Pacific Ave. S.E, Olympia, WA
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Proposed Rule

NEW SECTION

WAC 314-24-085 Split cases. A wine distributor may collect a handling fee from retail licensees who order and receive wine in less than the smallest multiple-package case available. The handling fee must meet the following criteria:

(1) A wine distributor who elects to impose a handling fee for handling individual bottles of wine must impose an identical handling fee on every order for wine in less than the smallest multiple-package case, whether the retail licensee placing the order is purchasing wine for on-premises or off-premises consumption, and without regard to the total volume of wine purchased by the retail licensee.

(2) A distributor who elects to impose a handling fee for handling individual bottles of wine must impose an identical handling fee on each bottle of wine sold without regard to the price of the specific wine.

(3) A distributor who elects to impose a handling fee for handling individual bottles of wine must include on each invoice, information that identifies precisely what the handling fee is.

(4) No distributor who elects to impose a handling fee for handling individual bottles of wine may discriminate against any retail licensee or class of retail licensees.

(5) A distributor who elects to impose a handling fee for handling individual bottles of wine may cease imposing such fee at any time, but cannot reinstate such handling fee for at least six months thereafter.